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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,018	11/16/2000	Harry Thomas Kloor	18822-00011/US	5553

34205 7590 01/08/2008  
OPPENHEIMER WOLFF & DONNELLY LLP  
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MINNEAPOLIS, MN 55402

EXAMINER
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THEIN, MARIA TERESA T

ART UNIT	PAPER NUMBER
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3627

MAIL DATE	DELIVERY MODE
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01/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/714,018	<b>Applicant(s)</b> KLOOR, HARRY THOMAS	
	<b>Examiner</b> MARISSA THEIN	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48, 51-57 and 59-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48, 51-57 and 59-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's "Amendment and Response to Office Action" filed on October 19, 2007 has been considered.

The declaration filed on October 19, 2007 under 37 CFR 1.131 is sufficient to overcome the U.S. Patent No. 6,473,740 to Cockrill et al.; U.S. Patent No. 6,055,505 to Elston; U.S. Patent No. 6,330,550 to Brisebois et al.; U.S. Patent No. 6,330,672 to Shur; U.S. Patent No. 6,442,526 to Vance et al.; and U.S. Patent No. 6,390,362 to Martin reference.

Claims 1-48 and 51-57, and 59-62 remain pending in this application.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 53 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The recitation "wherein the user does not know the link between the authorization agent and the card" is not supported in the specification. Examiner suggests Applicants to point out the support in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 54 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation "sending a notice to the user using the link by the authorization agent whether the user is using the card to conduct the transaction" is unclear. Is the sending a notice to the non-user?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 42-43, 45-46, and 51-54 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,621,201 to Langhans et al.**

Regarding **claim 42**, Langhans discloses a method for authorizing use of a card by a non-user (company) of the card, comprising: providing a card to a user, wherein the card is linked to a non-user of the card (col. 2, lines 2-11; col. 2, lines 59-64; col. 5, lines 34-52); using the card to conduct a transaction (col. 5, lines 53-60); and sending electronically an authorization request from an authorization agent to a non-user of the card, wherein the authorization is a bank or an agent of the bank (col. 9, lines 58-67), approving the transaction if the non-user agrees with the transaction and denying the

transaction by the authorization agent if the non-user disagrees (col. 9, line 59-67; col. 11, lines 32-45).

Regarding **claims 43 and 45-46**, Langhans discloses the card is linked electronically to the non-user (Figure 2; Figure 3; col. 2, lines 29-37); the non-user is an owner of the card (Figure 2; Figure 3; col. 2, lines 29-37); the card is a credit card (col. 2, lines 23-25).

Regarding **claims 51-54**, Langhans discloses employee and employer (Figure 2; Figure 3; col. 2, lines 29-37); the card can be only used for a predetermined purpose (col. col. 2, lines 29-48); providing an authorization agent to link the card to the non-user, and registering the link before the card is issued; and registering a link between the authorization agent and the user; sending a notice to the user using the

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-14, 16-18, 20-33, 36-37, 56, and 59-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,529,725 to Joao et al. in view of PCT World Publication No WO 96/32700 to Jonstromer.**

Regarding **claims 1-14, and 16**, Joao discloses a method for authorizing a transaction comprising: sending, receiving, and storing contact information (database(s))

3H; see col. 16, lines 4-13; col. 6, lines 15-21; col. 31, lines 49-62); initiating into a credit card transaction (col. 5, lines 24-29); sending the authorization request to the user from an authorization agent (col. 6, lines 15-47), wherein the authorization agent is a bank that issued the credit card to the user, a credit card company, or an agent of the bank or the credit card company (col. 13, lines 52-65); receiving the authorization request, wherein the authorization request is received by the user and sending a response to the authorization request from the user (col. 6, lines 37-65); receiving the response, wherein the response is received by the authorization agent and completing the transaction (col. 7, lines 18-40); **[claims 2-5, 12-14]** over the Internet (col. 10, lines 3-10); using email (col. 10, lines 46-49); a telephone line (col. 4, line 66 – col. 5, line 1; col. 5, lines 16-17), or wireless system (col. 5, lines 16-18), or a personal communication device (col. 67 – col. 5, line 6), or a cellular telephone (col. 29, lines 10-25; col. 32, lines 20-29) or pda (col. 38, lines 5); **[claims 6-7]** initiating the transaction includes transmitting a credit card number to a payee of the transaction (col. 5, lines 31-43) at an online store (col. 13, lines 7-20); **[claims 8-11]** a soft-card software for authorization and password (col. 7, lines 45-67; col. 16, lines 4-31; col. 42, lines 57-60); and **[claim 16]** information is entered into a website (col. 10, lines 3-6).

Joao does not explicitly disclose the personal data of the user that verifies the user's identity. Joao disclose the apparatus is designed or programmed to telephone the cardholder, account owner and cellular telephone owner at a primary phone number, at an alternate or forwarding phone number, and/or business phone number, send fax message, an electronic mail message, etc to, or for the card holder, account

owner, and cellular telephone owner, to ensure that best efforts are to be made to communicate with the desired individual as soon as possible (col. 10, lines 53-67).

Furthermore, Joao also discloses a database 3(H) which contains account information and data about the card holder accounts or owner and other information and data necessary to manage and process and account transaction (col. 16, lines 4-12). Moreover, Joao discloses the account owner may program the apparatus for proof of identity of which the types of proof may be specified (col. 42, lines 41-42).

Jonstromer, on the other hand, teaches the personal data of the user that verifies the user's identity (page 8, lines 4-6; page 8, lines 22-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Joao, to include the personal data of the user that verifies the user's identify, as taught by Jonstromer, in order to authorize the use of the card (Jonstromer, page 8, line 7) so as to reduce the risk of fraud (Jonstromer, page 10, lines 16-17).

Regarding **claims 15 and 32**, Joao substantially discloses the claimed invention, however, it does not disclose the use of an e-signature for an agreement.

Jonstromer teaches the use of e-signatures (page 6, line 26-page 7, line4; page 8, lines 18-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Joao with e-signatures as taught by Jonstromer, because in order to authorize the use of the card (Jonstromer, page 8, line 7) so as to reduce the risk of fraud (Jonstromer, page 10, lines 16-17).

Regarding **claims 17 and 36-37**, Joao substantially discloses the claimed invention, however, it does not disclose requiring a PIN. Jonstromer discloses the PIN (page 8, lines 4-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Joao, to include the PIN, as taught by Jonstromer, in order to authorize the use of the card (Jonstromer, page 8, line 7) so as to reduce the risk of fraud (Jonstromer, page 10, lines 16-17).

Regarding **claims 18, 20-31, and 33**, Joao discloses a method for allowing an owner to approve a transaction comprising: acquiring contact information (database(s) 3H; see col. 16, lines 4-13; col. 6, lines 15-21; col. 31, lines 49-62); receiving a request to authorize (col. 6, lines 37-65), wherein the authorization agent is a bank, a credit card company, or an agent of the bank or the credit card company (col. 13, lines 52-65); using the contact information to the send the request (col. 6, lines 37-65, col. 7, lines 18-40; col. 31, lines 49-62); and sending approval (col. 6, lines 37-65, col. 7, lines 18-40); **[claims 20-28, 30-31, 33]** as set forth above for claims dependent from claim 1; and **[claim 29]** monitoring the owner and using the latest information to send the request to the owner (col. 10, lines 31-41).

Joao does not explicitly disclose receiving a request to authorize a transaction, subsequent to acquiring the contact information. Joao disclose the apparatus is designed or programmed to telephone the cardholder, account owner and cellular telephone owner at a primary phone number, at an alternate or forwarding phone number, and/or business phone number, send fax message, an electronic mail



message, etc to, or for the card holder, account owner, and cellular telephone owner, to ensure that best efforts are to be made to communicate with the desired individual as soon as possible (col. 10, lines 53-67).

Furthermore, Joao also discloses a database 3(H) which contains account information and data about the card holder accounts or owner and other information and data necessary to manage and process and account transaction (col. 16, lines 4-12).

Jonstromer, on the other hand, teaches the receiving a request to authorize a transaction, subsequent to acquiring the contact information (page 8, lines 1-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Joao, to include the receiving a request to authorize a transaction, subsequent to acquiring the contact information, as taught by Jonstromer, in order to authenticate and debit the account of the payer (Jonstromer, page 7, lines 1-3).

Regarding **claim 56**, Joao discloses a method for parties to communication a transaction as set forth above in detail for claim 1.

Regarding **claims 59-62**, Joao discloses a system for authorization a transaction, comprising a server (col. 13, lines 66 – col. 14, line 3); a card registered with the server (col. 13, lines 51-65); and **[claims 60-62]** a credit card transaction over the Internet (col. 5, lines 24-29; col. 10, lines 3-10).

Joao does not explicitly disclose a communication channel, subsequent to the card being registered with the server. Joao disclose the apparatus is designed or programmed to telephone the cardholder, account owner and cellular telephone owner

at a primary phone number, at an alternate or forwarding phone number, and/or business phone number, send fax message, an electronic mail message, etc to, or for the card holder, account owner, and cellular telephone owner, to ensure that best efforts are to be made to communicate with the desired individual as soon as possible (col. 10, lines 53-67).

Furthermore, Joao also discloses a database 3(H) which contains account information and data about the card holder accounts or owner and other information and data necessary to manage and process and account transaction (col. 16, lines 4-12).

Jonstromer, on the other hand, teaches a communication channel (page 7, lines 19-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Joao, to include a communication channel, as taught by Jonstromer in order to authenticate and debit the account of the payer (Jonstromer, page 7, lines 1-3).

**Claims 19, 39, 40 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,529,725 to Joao et al. and PCT World Publication No WO 96/32700 to Jonstromer and in further view of U.S. Patent No. 5,845,267 to Ronen.**

Joao and Jonstromer substantially discloses the claimed invention, however, the combination does not explicitly disclose requiring Internet or IP address.

Ronen teaches IP address (col. 3, lines 55-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include IP address, as taught by Ronen, in order to provide a connection identifier that uniquely identifies the connection to the provider (Ronen col. 8, lines 37-38).

**Claim 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao and Jonstromer in further view U.S. Patent No. 5,748,783 to Rhoads.**

Joao and Jonstromer substantially discloses the claimed invention, however, the combination does not explicitly disclose the use of a digital watermark.

Rhoads teaches the use of digital watermarks (abstract; col. 14, lines 47-60; coll 15, lines 6-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination, to include digital watermarks, as taught by Rhoads, in order because digital watermarks add an additional level of security from fraud.

**Claims 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joao and Jonstromer and in further view of U.S. Patent No. 5,621,201 to Langhans et al.**

Joao and Jonstromer substantially discloses the claimed invention, however, the combination does not explicitly disclose the owner includes other users that are authorized by the owner.

Langhans teaches the owner includes other users that are authorized by the owner (col. 2, lines 2-11; col. 2, lines 59-64; col. 5, lines 34-52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the owner includes other users that are authorized by the owner users, as taught by Langhans, in order to uncover fraudulent activities (Langhans col. 1, lines 59-60).

**Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Jonstromer as applied to claim 36 above, and further in view of Official Notice.**

Joao and Jonstromer substantially disclose the claimed invention, however, the combination does not explicitly disclose that contact information is only established for a predetermined amount of time.

The Examiner takes Official Notice that is old and well known in the art to change PINs or passwords after a predetermined period of time.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination with changing PINs/passwords, because modifying PINs provides an additional level of security from fraud.

**Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,621,201 to Langhans et al. in view of U.S. Patent No. 6,529,725 to Joao et al.**

Langhans discloses a method for verifying that an authorized entity is using a credit card, comprising: providing a predetermined purchase order information (col. 5, lines 2-3); receiving a request to authorize a transaction from a business with an actual purchase order (col. 5, lines 2-9); comprising the predetermined purchase order information with the actual purchase order information (col. 5, lines 2-9; col. 11, lines 24-45; col. 12, lines 6-21). However, Langhans does not explicitly disclose Internet and password.

Joao, on the other hand, teaches Internet (col. 35, line 11) and password (col. 42, lines 57-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Langhans to include Internet and password, as taught by Joao, in order to provide unauthorized activities (Joao, col. 62-63) and global communication.

**Claim 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,621,201 to Langhans et al. in view of U.S. Patent No. 5,845,267 to Ronen.**

Langhans substantially discloses the claimed invention, however, Langhans does not explicitly disclose IP address.

Ronen teaches IP address (col. 3, lines 55-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include IP address, as

taught by Ronen, in order to provide a connection identifier that uniquely identifies the connection to the provider (Ronen col. 8, lines 37-38).

**Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,621,201 to Langhans in view of PCT World Publication No WO 96/32700 to Jonstromer.**

Langhans substantially disclose the claimed invention, however, it does not explicitly disclose an electronic wallet.

Jonstromer, on the other hand, teaches electronic wallet (page 8, lines 2-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Langhans, to include an electronic wallet, as taught by Jonstromer, in order to store important personal and account information in a secure and easy to use format.

**Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,621,201 to Langhans in view of U.S. Patent No. 5,748,783 to Rhoads.**

Langhans substantially disclose the claimed invention, however, it does not explicitly disclose a bar code.

Rhoads teaches the barcode (col. 55, lines 53-57; col. 57, lines 36-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Langhans, to include the barcode, as taught by Rhoads, because the barcode adds an additional level of security to reduce fraud.

***Response to Arguments***

Applicant's arguments with respect to claims 1-48, 51-57, and 59-62 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA THEIN whose telephone number is (571)272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/  
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Mtot  
January 6, 2007

